

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-3-E - ORDER NO. 2008-573
AUGUST 21, 2008

IN RE: Annual Review of Base Rates for Fuel Costs)
for Duke Energy Carolinas, LLC)
ORDER GRANTING
MOTION FOR
CONFIDENTIAL
TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Duke Energy Carolinas, LLC (Duke Energy or the Company) for confidential treatment of certain material in this docket.

As required in the Commission's Docketing Department's May 1, 2008 letter, pursuant to 26 S.C. Code Ann. Regs. 103-845(C) (Supp. 2007), Duke Energy on July 28, 2008, filed the direct testimonies and exhibits of Jane L. McManeus, Thomas C. Geer, John J. Roebel, M. Elliott Batson, and Ronald A. Jones on behalf of the Company. Concurrent with the filing of the testimonies, Duke Energy moved for the Commission to hold that a portion of witness Jones' testimony and exhibits be held as proprietary information and be protected from public disclosure. The Company represents that the information contained in designated portions of the testimony and exhibits is proprietary and commercially sensitive and if disclosed, it could adversely affect Duke Energy's ability to enter into arms-length generation procurement transactions. Duke Energy filed an un-redacted copy of witness Jones' testimony and exhibits in a separate and sealed

envelope clearly marked “confidential.” Redacted copies of the relevant materials were filed as well.

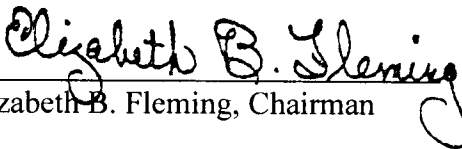
The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information contained in witness Jones’ testimony and exhibits filed by Duke Energy for which the Company seeks protection as confidential meets the definition of “trade secrets” as defined under FOIA, and therefore, we grant Duke Energy’s motion.

IT IS THEREFORE ORDERED THAT:


1. The Motion of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, the designated portions in the direct testimony and exhibits of Ronald A. Jones filed with the Commission are granted confidential treatment and shall be maintained under seal and withheld from public disclosure.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)